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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/591,745

08/30/2006

Takashi Igarashi

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8791

7590

10/27/2009

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EXAMINER

TADESSE, YEWEBDAR T

ART UNIT

PAPER NUMBER

1792

MAIL DATE

DELIVERY MODE

10/27/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/591,745	<b>Applicant(s)</b> IGARASHI ET AL.	
	<b>Examiner</b> YEWEBDAR T. TADESSE	<b>Art Unit</b> 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 9-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4 and 6-8 is/are rejected.
- 7) ☒ Claim(s) 2,3 and 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/30/2006</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election of group I in the reply filed on 08/24/2009 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 9-11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 08/24/2009.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Sentilles et al (US 5,820,673).

As to claims 1 and 7, Sentilles et al discloses (see Figs 2, 4-8) a coating apparatus for an optical lens comprising a light beam radiating device (43) and a lens rack (35) stores a set of two optical lenses and conveys the lenses from a coating position to a curing position; the coating device comprising two rotary tables (cup 51) where the set of two optical lenses are set with the coating target surface thereof facing

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up (see column 5, lines 50-63; the lens surface could be positioned facing upward or downward), a drive device (a spin motor 55,55') which rotates the rotary tables independently of each other, which uniforms a film thickness, and two coating solution dripping means (93 and 95) for dripping the coating solution onto the target surface of the optical lens, wherein the light beam radiating device capable of emitting the light beam to the optical lenses in the lens rack with the lens rack being hermetically closed.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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7. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sentilles et al (US 5,820,673) in view of Adamczyk et al (Us 6,296,707).

As to claim 4, Sentilles et al lacks teaching air in the lens rack is purges with an inert gas when the coating applied to the lens is to be cured. However, Adamczyk et al teaches providing nitrogen gas during curing operation (see column 9, lines 4-16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to purge the lens rack with an inert gas to prevent polymerization reaction of the coating liquid.

As to claim 8, Sentilles et al lacks teaching a coating solution collection device which collects an extra coating solution. Adamczyk et al teaches a collection basin (see column 3, lines 24-32 and column 7, lines 37-45). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a coating solution collection device in Sentilles to recycle the coating material as taught by Adamczyk et al.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sentilles et al (US 5,820,673) in view of Mori et al (US 2007/0065633).

Sentilles et al lacks teaching a spatula mechanism which removes the coating solution staying on a peripheral portion of the coating target surface of the optical lens. Mori et al teaches a spatula mechanism removing the coating solution staying on a peripheral portion of the coating target surface of the optical lens (see Fig 2 and paragraph 257). It would have been obvious to one of ordinary skill in the art at the

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time the invention was made to include a spatula mechanism removing the coating solution staying on a peripheral portion of the coating target surface of the optical lens to remove the excess material and facilitate the coating and curing process.

***Allowable Subject Matter***

9. Claims 2-3 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not specifically teach or suggest the following limitation: the lens rack has a storing portion, the storing portion having such a shape as to be closed when the lens rack is brought into tight contact with the transparent member through a seal member (per claim 2); lens rack has two cases at least one of which is disposed to be movable to come into contact with and separate from the other and which respectively store optical lenses, and biasing means for biasing the two cases to approach each other, the two cases being held spaced apart from each other when optical lenses coated with a coating solution are to be stored therein, and being held in contact with each other when the coating solution applied to the optical lenses is to be cured (per claim 3) and the lens rack comprises an air exhaust channel through which internal air is exhausted and an inert gas supply channel through which internal air is exhausted and an inert gas supply channel through which an inert gas is supplied

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(per claim 5) such that the skilled artisan would view each of them obvious in light of Sentilles, Adamczyk et al or Buazza et al (US 6,416,307).

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Buazza et al (US 6,416,307) discloses (see Fig 1) a lens system including a coating unit (20) and a curing unit (30).

12.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YEWEBDAR T. TADESSE whose telephone number is (571)272-1238. The examiner can normally be reached on Monday-Friday 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yewebdar T Tadesse/  
Primary Examiner, Art Unit 1792  
13.